FILED

OCT 29 2007

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8887

UNITED STATES OF AMERICA,	Magistrate Case No.:
Plaintiff,	
vs.	COMPLAINT FOR VIOLATION OF
Rafael Plascencia Solis,	21 U.S.C. § 841(a)(1)
Humberto Lugo Martinez	Possession of Controlled Substance
Defendants.	with Intent to Distribute (Felony)

The undersigned complainant being duly sworn states:

That on or about October 26, 2007, within the Southern District of California, defendants Rafael Plascencia SOLIS and Humberto Lugo MARTINEZ did knowingly and intentionally possess with intent to distribute approximately 275.47 kilograms (607.3 pounds) of marijuana a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

The complainant states that this complaint is based on the attached probable cause statement incorporated herein by reference.

Craig Moore, Task Force Officer
Drug Enforcement Administration

Sworn to before me and subscribed in my presence this 29th day of October 2007.

Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, DEA Task Force Officer (TFO) Craig Moore, declare under penalty of perjury, the following statement is true and correct:

On or about October 26, 2007, U.S. Department of the Interior, Bureau of Land Management (BLM) Ranger Brad Kent and BLM Special Agent Robert Vaitkus were conducting routine patrols on and adjacent to public lands in Western Imperial County, within the Southern District of California. Both Officers were operating marked law enforcement vehicles and were clothed in law enforcement uniforms with their badge of office prominently displayed. Furthermore, both officers are authorized to enforce California State law, on or adjacent to public lands, Pursuant to California Penal Code 830.8. This authority is derived from a Memorandum of Understanding (MOU) between the Sheriff of Imperial County and the Bureau of Land Management.

At approximately 2106 hrs, while traveling westbound on State Route 2 (S-2), adjacent to pubic lands, Ranger Kent observed a 1998 Ford Expedition (CA Reg# 5POL823) being operated in an erratic manner (weaving over yellow line). While following the vehicle, Ranger Kent also discovered that the vehicle registration is currently expired, in violation of Section 4000(a) of the California Vehicle Code.

Ranger Kent then activated his emergency lights, and attempted to conduct a traffic stop on the vehicle. Upon activating his emergency lights, the operator of the 1998 Ford made an abrupt u-turn and drove directly at Ranger Kent's vehicle, in attempt to ram the front of the patrol vehicle. Ranger Kent narrowly avoided a collision with the Ford. Ranger Kent and Special Agent Vaitkus then began to pursue the vehicle in an easterly direction on S-2. Agents from the United States Border Patrol (USBP) were subsequently called to assist.

After a lengthy pursuit, the vehicle became stuck in the sand, in the open desert, approximately three miles northeast of the intersection of Dunaway road and Evan Hewes highway. The operator and registered owner of the 1998 Ford, identified as Rafael P. SOLIS and a his passenger, identified as Humberto L. MARTINEZ, were subsequently taken into custody at 2219 hrs by USBP Agents Jose Guerrero and Edward Villanueva. Once SOLIS and MARTINEZ were taken into custody, USBP Agent Jose Gonzalez observed several bundles of suspected marijuana, in plain view, within the rear passenger and cargo compartments of the vehicle. A search of the vehicle revealed 41 individual bundles containing approximately 275.47 kilograms (607.3 pounds) of suspected marijuana. ✓ A presumptive chemical test indicated the contents of these packages to be marijuana. DEA was then notified of the seizure by BLM and responded to the scene.

Rafael SOLIS and Humberto MARTINEZ were subsequently advised of their Miranda rights on scene by BLM Ranger Sal Nieblas. Rafael SOLIS invoked his legal rights, while MARTINEZ waived his rights.

Both SOLIS and MARTINEZ were then transported to the Drug Enforcement Administration (DEA), Imperial County District Office (ICDO) by Ranger Kent. Upon arrival at the ICDO, MARTINEZ was again advised of his constitutional rights under Miranda, by TFO Craig Moore, which he acknowledged and waived. Upon interviewing MARTINEZ, he stated the following:

MARTINEZ admitted that he knew the marijuana was in the vehicle. As per a previously made agreement between MARTINEZ and SOLIS, He

(MARTINEZ) met SOLIS at his (SOLIS') residence in Brawley, California at approximately 7:00 pm on October 26, 2007. Upon arrival at the residence, they got into SOLIS' 1998 Ford Expedition, which was already loaded with marijuana, and traveled south on Highway 111 until they reached Interstate 8. They then traveled westbound on I-8 and got onto State Route 2. While on State Route 2, SOLIS was talking to an unknown female on his walkie-talkie. This female appeared to be giving him (SOLIS) guidance and was nearby in another vehicle looking for law enforcement officers along the route. When Ranger Kent began to follow SOLIS in an attempt to conduct a traffic stop on his vehicle, the unknown female warned SOLIS of Ranger Kent's presence. MARTINEZ stated that he was recruited by SOLIS to ride as a passenger in his (SOLIS') vehicle while they transport the marijuana to Ontario, California. MARTINEZ was to be paid $1500.00, by SOLIS, upon completion of the trip to Ontario. Both MARTINEZ and SOLIS were further processed at the ICDO and transported to the Imperial County Jail in El Centro, California, pending an Initial Appearance before a United States Magistrate Judge.

Executed on October 27, 2007 at 0654 hours.

Craig Moore, Task Force Officer
Drug Enforcement Administration

On the basis of the facts presented in this probable cause statement consisting of (1) page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on October 26, 2007 in violation of Title 21 United States Code, Section 841 (a)(1).

10/27/07 11:45 AM

United States Magistrate Judge   Date/Time